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Construction Management Association of America

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1 August 2003

Federal Communications Commission
Office of the Secretary
445 12th Street SW
Room 1-A804
Washington, DC 20554

RE: Proceeding #02-278

Dear Sir or Madam:

I am writing on behalf of the more than 2,000 members of the Construction Management Association of America (CMAA) to express our concerns with the Federal Communications Commission's final rule published July 25, 2003 in the Federal Register to modify the regulations governing unsolicited facsimile advertisements under the Telephone Consumer Protection Act of 1991. See 68 Fed. Reg. 44143, (July 25, 2003).

The new rules proposed by the FCC carry significant consequences for associations and the way they market programs, products and services by fax to their members. The proposal would eliminate the prior "established business relationship" language, forcing associations like CMAA and other companies to obtain the written consent of their own members, clients and industry partners before transmitting any fax that could be interpreted as commercial in nature.

CMAA is an industry association of firms and professionals who provide program and construction management services to owners in the planning, design and construction of capital projects of all types. Our mission is to promote professionalism and excellence in the management of the construction process.

CMAA believes that removing the "established business relationship" qualification from the fax regulations would have negative ramifications on the way we communicate with our members. It would place onerous administrative and economic burdens on our association by requiring "expressed written consent" from our own members prior to sending a fax advertisement. The new rules would even require written consent for faxes pertaining to events such as annual meetings.

While these changes may be suitable for residential telephone numbers as the new "Do Not Call" registry provides, they are certainly not acceptable for association-to-member facsimile communications. CMAA, like thousands of other associations, relies on faxes as a prime source of communication and marketing to meet the needs of our members.

For these reasons, we strongly urge the FCC to rescind its decision to amend the regulations governing unsolicited facsimile advertisements under the Telephone Consumer Protection Act of 1991. Thank you for considering our views.

Sincerely,

Bruce D'Agostino
Executive Director

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